

REMARKS

The February 21, 2008 Office Action was based upon pending Claims 1-29. This response amends Claims 1, 2, 14, 19, 20 and 25. Thus, after entry of this response, Claims 1-29 are pending and presented for further consideration.

ISSUES RAISED IN THE OFFICE ACTION

The Office Action found the oath or declaration not in compliance with 37 C.F.R. § 1.67(a). Further the Office Action found that the declaration claims domestic priority of U.S. Patent Application No. 08/382,952, which is not the same application mentioned in the disclosure as application No. 08/382,958, per the Amendment filed on May 14, 2007.

The Office Action also provisionally rejected Claims 1-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-31 of U.S. Patent No. 5,978,592 (the “592 patent”).

Further, the Office Action rejected Claims 1-5, 7, 8, 10, 12-15, 17-20, and 22-29 under 35 U.S.C. § 102(e) over U.S. Patent No. 5,289,577 to Gonzales et al. (“the Gonzales patent”).

In addition, the Office Action further rejected Claims 6, 9, 11, 16 and 21 under 35 U.S.C. § 103(a) over Gonzales et al., in view of U.S. Patent No. 5,461,679 to Normile et al. (the “Normile patent”).

DEFECTIVE OATH OR DECLARATION

The Office Action found the oath or declaration not in compliance with 37 C.F.R. § 1.67(a). Further the Office Action found that the declaration claims domestic priority of Patent Application No. 08/382,952, which is not the same application mentioned in the disclosure as Application No. 08/382,958, per the Amendment filed on May 14, 2007.

The declaration pending before the Examiner has a typo in that the last digit should be an "8" rather than a "2". That is, the declaration should refer to U.S. Patent Application No. 08/382,958, not 08/382,952.

In the parent application – U.S. Patent Application No. 09/307,239, filed on October 7, 1997, now U.S. Patent No. 6,330,666 - the owner of the patent application filed a different declaration which is attached hereto as Exhibit A "The Exhibit A Declaration." The Exhibit A Declaration is proper and sufficient for the current application as the current application is a divisional of the parent application.

Accordingly, the Exhibit A Declaration properly refers to the complete chain of priority and is being submitted herewith as a substitute declaration that replaces the previous filed declaration.

Applicant notes that the Exhibit A Declaration refers to the prior continuation-in-part application filed on February 2, 1995, but does not include it's serial number. At the time of execution of the Exhibit A Declaration, the serial number of the continuation-in-part was unknown and thus, referred to in the declaration as "not yet known." This continuation-in-part application is U.S. Application No. 08/382,958 which was filed on the same date as identified in the Exhibit A Declaration – February 2, 1995.

Thus, the chain of priority as recited in the current application and on the filing receipt is correct and is supported by the attached declaration. Applicant therefore respectfully requests that the objection to the oath or declaration be withdrawn.

REJECTION OF CLAIMS 1-29 FOR OBVIOUSNESS-TYPE DOUBLE PATENTING

The Office Action provisionally rejected Claims 1-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-31 of U.S. Patent No. 5,978,592.

In response and without conceding the merits of this rejection, Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(b) and (c). Applicant respectfully requests that the obviousness-type double patenting rejection be withdrawn.

REJECTION OF CLAIMS 1-5, 7, 8, 10, 12-15, 17-20, AND 22-29 UNDER 35 U.S.C. § 102(e)

The Office Action rejected Claims 1-5, 7, 8, 10, 12-15, 17-20, and 22-29 under 35 U.S.C. § 102(e) over Gonzales.

CLAIM 1

Claim 1 is directed to decoding processing a video data stream that comprises video data encoded in a first format and video data encoded in a second format. A start code detector converts a portion of the video data stream into a stream of data tokens, where the stream of data tokens comprise a first plurality of data tokens that are associated with video data encoded in a first format and a second plurality of data tokens that are associated with video data encoded in a second format.

Claim 1 is also directed to a pipeline comprising stages that decode the video data in the first and second formats, the start code detector being coupled to send the data tokens to the pipeline.

Gonzales, in contrast, does not appear to disclose a decoder that converts video data into a stream of data tokens – let alone doing so in response to detecting a start code sequence in the stream of video data.

In addition, Gonzales does not disclose, teach or suggest data tokens that comprise a first plurality of data tokens that are associated with video data encoded in a first format and a second plurality of data tokens that are associated with video data encoded in a second format. For example, video formats of a data stream in Gonzales can be either JPEG or MPEG, but not both.

Also, Gonzales does not disclose, teach or suggest a pipeline comprising stages that decode the video data in the first and second formats.

In summary, Applicant asserts that Gonzales does not anticipate Claim 1 at least because the following differences:

- 1) Gonzales does not disclose, teach or suggest converting a stream of video data into at least a stream of data tokens in response to detecting a start code sequence in the stream of video data.

2) Gonzales does not disclose, teach or suggest data tokens that comprise a first plurality of data tokens that are associated with video data encoded in a first format and a second plurality of data tokens that are associated with video data encoded in a second format.

3) Gonzales does not disclose, teach or suggest a pipeline comprising stages that decode the video data in the first and second formats.

Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited reference and Applicant respectfully requests allowance of Claim 1.

CLAIMS 2-5, 7, 8, 10, 12, and 13

Claims 2-5, 7, 8, 10, 12, and 13, which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

CLAIM 14

Although Claim 14 has different language than Claim 1, Claim 14 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

CLAIMS 15, 17, and 18

Claims 15, 17, and 18, which depend from Claim 14, are believed to be patentable for the same reasons articulated above with respect to Claim 14, and because of the additional features recited therein.

CLAIM 19

Although Claim 19 has different language than Claim 1, Claim 19 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

CLAIMS 20 and 22-24

Claims 20 and 22-24, which depend from Claim 19, are believed to be patentable for the same reasons articulated above with respect to Claim 19, and because of the additional features recited therein.

CLAIM 25

Although Claim 25 has different language than Claim 1, Claim 25 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

CLAIMS 26-29

Claims 26-29, which depend from Claim 25, are believed to be patentable for the same reasons articulated above with respect to Claim 25, and because of the additional features recited therein.

REJECTION OF CLAIMS 6, 9 11, 16, and 21 UNDER 35 U.S.C. § 103(a)

The Office Action rejected Claims 6, 9, 11, 16 and 21 under 35 U.S.C. § 103(a) over Gonzales in view of Normile.

CLAIMS 6, 9, AND 11

Claims 6, 9 and 11, which depend from Claim 1 are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

CLAIM 16

Claim 16, which depends from Claim 14, is believed to be patentable for the same reasons articulated above with respect to Claim 14, and because of the additional features recited therein.

CLAIM 21

Claim 21, which depends from Claim 19, is believed to be patentable for the same reasons articulated above with respect to Claim 19, and because of the additional features recited therein.

OTHER PATENTS

This pending patent application is part of a large patent family, thus Applicant wishes to draw the Examiner's attention to the following matters:

Appl. No.	Filing Date	Attorney Docket No.	Title
08/082,291 abandoned	06/24/93	N/A	DATA PIPELINE SYSTEM AND DATA ENCODING METHOD
08/382,958 abandoned	02/02/95	N/A	DATA PIPELINE SYSTEM AND DATA ENCODING METHOD
08/400,397 abandoned	03/07/95	N/A	DATA PIPELINE SYSTEM AND DATA ENCODING METHOD WITH START CODE DETECTOR
08/399,898, now U.S. Patent No. 5,768,561	03/07/1995	KM0920.1CCPD1	TOKENS-BASED ADAPTIVE VIDEO PROCESSING ARRANGEMENT
08/400,211, now U.S. Patent No. 5,842,033	03/07/1995	KM0920.1CCPD3	PADDING APPARATUS FOR PASSING AN ARBITRARY NUMBER OF BITS THROUGH A BUFFER IN A PIPELINE SYSTEM
08/400,201, now U.S. Patent No. 5,603,012	03/07/1995	KM0920.1CCCPD7	START CODE DETECTOR
08/483,020, now U.S. Patent No. 6,035,126	06/07/1995	KM0920.1CCPD4	DATA PIPELINE SYSTEM AND DATA ENCODING METHOD
08/484,730, now U.S. Patent No. 6,263,422	06/07/1995	KM0920.1CCPD13	PIPELINE PROCESSING MACHINE WITH INTERACTIVE STAGES OPERAABLE IN RESPONSE TO TOKENS AND SYSTEM AND METHODS RELATING THERETO
08/482,296, now U.S. Patent No. 6,435,737	06/07/1995	KM0920.1CCPD8	DATA PIPELINE SYSTEM AND DATA ENCODING METHOD
08/850,125, now U.S. Patent No. 5,956,519	05/01/1997	KM0920.1CCPD6C	PICTURE END TOKEN IN A SYSTEM COMPRISING A PLURALITY OF PIPELINE STAGES
08/903,969, now U.S. Patent No. 6,038,380	07/31/1997	KM0920.1CCPD14C	DATA PIPELINE SYSTEM AND DATA ENCODING METHOD
08/937,143, now U.S. Patent No. 6,079,009	09/24/1997	KM0920.1CCPD15C	CODING STANDARD TOKEN IN A SYSTEM COMPRISING A PLURALITY OF PIPELINE STAGES
08/947,727, now U.S. Patent No. 5,809,270	09/25/1997	KM0920.1CCPD2C	INVERSE QUANTIZER
08/947,675, now U.S. Patent No. 5,881,301	10/02/1997	KM0920.1CCPD12C	INVERSE MODELLER

Appl. No.	Filing Date	Attorney Docket No.	Title
09/307,239, now U.S. Patent No. 6,330,666	10/07/1997	KM0920.1CCPC1	MULTISTANDARD VIDEO DECODER AND DECOMPRESSION SYSTEM FOR PROCESSING ENCODED BIT STREAMS INCLUDING START CODES AND METHODS RELATING THERETO
08/946,754, now U.S. Patent No. 6,067,417	10/07/1997	KM0920.1CCPD16C	PICTURE START TOKEN
08/947,676, now U.S. Patent No. 5,978,592	10/08/1997	KM0920.1CCPD9C	VIDEO DECOMPRESSION AND DECODING SYSTEM UTILIZING CONTROL AND DATA TOKENS
08/967,515, now U.S. Patent No. 6,112,017	11/11/1997	KM0920.1CCPD10C	PIPELINE PROCESSING MACHINE HAVING A PLURALITY OF RECONFIGURABLE PROCESSING STAGES INTERCONNECTED BY A TWO-WIRE INTERFACE BUS
09/770,157	01/26/01	KM0920.1CCPCD1	MULTISTANDARD VIDEO DECODER AND DECOMPRESSION SYSTEM FOR PROCESSING ENCODED BIT STREAMS INCLUDING START CODE DETECTION AND METHODS RELATING THERETO
09/776,641, now U.S. Patent No. 6,950,930	02/05/2001	KM0920.1CCPCD3	MULTISTANDARD VIDEO DECODER AND DECOMPRESSION SYSTEM FOR PROCESSING ENCODED BIT STREAMS INCLUDING PIPELINE PROCESSING AND METHODS RELATING THERETO
09/777,283, now U.S. Patent No. 6,910,125	02/06/2001	KM0920.1CCPCD6	MULTISTANDARD VIDEO DECODER AND DECOMPRESSION SYSTEM FOR PROCESSING ENCODED BIT STREAMS INCLUDING A DECODER WITH TOKEN GENERATOR AND METHODS RELATING THERETO
09/778,377, now U.S. Patent No. 6,697,930	02/07/2001	KM0920.1CCPCD2	MULTISTANDARD VIDEO DECODER AND DECOMPRESSION METHOD FOR PROCESSING ENCODED BIT STREAMS ACCORDING TO RESPECTIVE DIFFERENT STANDARDS

Appl. No.	Filing Date	Attorney Docket No.	Title
09/974,530, now U.S. Patent No. 7,230,986	10/10/2001	KM0920.1CCPCD4D	MULTISTANDARD VIDEO DECODER AND DECOMPRESSION SYSTEM FOR PROCESSING ENCODED BIT STREAMS INCLUDING A VIDEO FORMATTER AND METHODS RELATING THERETO

Applicant notes that these matters relate, or may relate, to the present application. In addition, these matters include cited references, office actions, responses and notices of allowance. Applicant also notes that there may be other abandoned applications that form part of the patent family.

Applicant understands that the Examiner often has access to sophisticated online Patent Office computing systems that provide ready access to, for example, specification and drawing publications, pending claims and complete file histories, including, for example, cited art, office actions, responses, and notices of allowance.

Thus, Applicant respectfully requests the Examiner to review these file histories with respect to the patentability of this application. Also, if the Examiner cannot readily access these file histories, Applicant would be pleased to provide any portion of any of the file histories at any time upon specific Examiner request.

RESCISSION OF ANY PRIOR DISCLAIMERS AND REQUEST TO REVISIT ART

The claims of the present application are different and possibly broader in scope than any pending claims in any related application or issued claims in any related patent.

In these related cases, claims have been amended and received allowance over a number of references. To the extent that any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicant hereby rescinds and retracts such disclaimer. Accordingly, the references cited in the related applications may need to be re-visited.

Also, the present communication includes alterations to the claims and to the extent claim scope or referenced art has been characterized, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application.

Applicants also reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

In addition, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7-21-08

By: John R. King
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EXHIBIT A

PATENT APPLICATION AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DATA PIPELINE SYSTEM AND DATA ENCODING METHOD

the specification of which
(check one, ☒ is attached hereto ☐ was filed on _____ as
Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

Prior Foreign Application(s)

Application No.	Country	Filing Date	Priority Claimed
EP 92306038.8	European Appl.	June 30, 1992	YES—Priority Claimed
9405914.4	British	March 24, 1994	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Day, month, year filed)	
(not yet known)	British	February 28, 1995	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Day, month, year filed)	

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(not yet known) (February 2, 1995) (pending)

(Application Serial No.)	Filing Date	(Status)	(Patented, pending, abandoned)
(08/082,291)	(June 24, 1993)	(pending)	

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may, jeopardize the validity of the application or any patent issued thereon.

Please send all correspondence to:

DISCOVISION ASSOCIATES

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Suite 200

Irvine, CA 92714

Attn: Ronald J. Clark

(714) 660-5000

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

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Full name of eighth inventor _____
Inventor's signature _____
Residence _____
Citizenship _____
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Full name of ninth inventor _____
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Post Office Address _____